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Assistant Commissioner for Patents, Washington, D.C. 202<del>21, or</del> December 2, 2002

Ruth Saskowski

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Lynn E. SPITLER and Isaiah Fidler

Serial No.: 09/764,546

Filing Date: 17 January 2001

For: THERAPEUTIC PROPERTIES OF

LIPOSOME-ENCAPSULATED IMMUNOMODULATORS

Examiner: Susan Ungar, Ph.D.

Group Art Unit: 1642

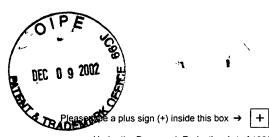
## AMENDMENT UNDER 37 C.F.R. § 1.111

Assistant Commissioner for Patents Washington, D.C. 20231

Dear Sir:

This is in response to an Office action herein mailed 31 May 2002, time for response to which was set to expire 31 August 2002. A petition for an extension of time of three (3) months until 30 November 2002 is attached hereto, along with the required fee. The considered claims, claims 56 and 59 were rejected. Careful consideration has been given to the grounds for rejection, and the following amendment and discussion are offered in response. Reconsideration is respectfully requested.

Enclosed is the following Exhibit A: Version With Markings To Show Changes Made.



PTO/SB/21 (08-00)
Approved for use through 10/31/02. OMB 0651-0031
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TRANSMITTAL FORM			Application Number	09/764,546				
			Filing Date	17 January 2001				
I OKIVI			First Named Inventor	Lynn E. SPITI	LER and Isaiah FIDLER	<del>, ,,,</del>		
				Group Art Unit	1642	RECEI	<b>V                                    </b>	
(to be used for all correspondence after initial filing)			itial filing)	Examiner Name	Susan Ungar,	Ph.D. DEC 11	<u> 20</u> 02	
Total	Number Of Pages In Ti	his Submission	12	Attorney Docket No.	204372000901	TECH CENTED :	senni	
ENCLOSURES (check all that apply)								
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	Fee Attached		Dra	awing(s)		Appeal Communication to Board of Appeals and Interferences		
×	Amendment / Reply		Lice	ensing-related Papers		Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)		
	After Final		Pet	ition		Proprietary Information		
	Affidavits/de	eclarations		ition to Convert to a visional Application		Status Letter		
×	Three Month Extension of Time Request			wer of Attorney, Revocation ange of Correspondence Ad		Other Enclosure(s) (please identify below):		
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Incomplete Application Response to Missing Parts			N <sub>G</sub>					
	under 37 CF	FR 1.52 or 1.53(b)						
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Individual Name San Diego, CA		A 92130	92130					
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Date December 2, 2002  CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"						_		
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Examiner Name

## FEE TRANSMITTAL FOR FY 2002

Complete if Known					
Application Number	09/764,546				
Filing Date	17 January 2001				
First Named Inventor	Lynn E. SPITLER and Isaiah FIDLER				

Susan Ungar, Ph.D.

Telephone

Date

(858) 720-5112

December 2, 2002

Patent fees are subject to annual revision.

Group Art Unit 1642 RECEIVED

**TOTAL AMOUNT OF PAYMENT** (\$) 460.00 Attorney Docket No. 204372000901 FEE CALCULATION (continued) METHOD OF PAYMENT The Commissioner is hereby authorized to charge indicated 1. 🗵 TECH CENTER 1500/2900 3. ADDITIONAL FEES fees and credit any overpayments to: Entity Large Small **Entity** Deposit 03-1952 Account Fee Fee Fee Fee Fee Paid Number Code (\$) Code Fee Description (\$) Deposit Morrison & Foerster LLP Account Name 105 130 205 65 Surcharge - late filing fee or oath Surcharge - late provisional filing X Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 127 50 227 25 fee or cover sheet X Applicant claims small entity status. See 37 CFR 1.27 130 139 130 Non-English specification For filing a request for ex parte 2. Payment Enclosed: 147 2,520 147 2,520 reexamination Requesting publication of SIR prior ☐ Check ☐ Credit Card ☐ Money Order □ Other 112 920 112 920 to Examiner action Requesting publication of SIR after **FEE CALCULATION** 113 1,840 113 1,840 Examiner action **BASIC FILING FEE** 1. 115 110 215 55 Extension for reply within first month Extension for reply within second 116 400 216 200 month Entity Small Entity Extension for reply within third Fee (\$) Fee Description 117 920 217 460 460.00 month Extension for reply within fourth 118 1.390 218 695 month 101 710 201 355 Utility filing fee 128 1,890 228 945 Extension for reply within fifth month 106 320 206 160 Design filing fee 119 310 219 155 Notice of Appeal 107 490 207 245 Plant filing fee 120 310 155 Filing a brief in support of an appeal 220 108 710 208 355 Reissue filing fee 121 270 221 135 Request for oral hearing Petition to institute a public use 114 150 214 75 Provisional filing fee 138 1.510 138 1,510 proceeding 140 110 240 55 Petition to revive - unavoidable SUBTOTAL (1) (\$)0.00 1,280 620 141 241 Petition to revive - unintentional EXTRA CLAIM FEES 142 1,240 242 620 Utility issue fee (or reissue) Extra Fee Paid 143 440 243 220 Design issue fee Total Claims - 20 = 144 600 244 300 Plant issue fee Independent 122 -3 = 130 122 130 Petitions of the Commissioner Petitions related to provisional Multiple Dependent 123 50 123 50 applications Submission of Information 126 180 126 180 Disclosure Stmt Recording each patent assignment Large Fee Entity Small Entity Fee Description 581 40 581 40 per properties (times number of (\$) properties) Filing a submission after final 103 203 18 Claims in excess of 20 146 710 246 355 rejection (37 CFR § 1.129(a)) For each additional invention to be 102 202 Independent claims in excess of 3 149 710 80 355 249 examined (37 CFR § 1.129(b)) Request for Continued Examination 135 104 270 Multiple dependent claims, if not paid 710 279 355 (RCE) Reissue independent claims over Request for expedited examination 109 RΩ 209 40 169 900 900 169 of a design application Reissue claims in excess of 20 and over original patent Other fee (specify) SUBTOTAL (2) (\$)0.00 (\$) 460.00 SUBTOTAL (3) \*\* or number previously paid, if greater; For reissues, see above. \*Reduced by Basic Filing Fee Paid La SUBMITTED BY Complete (if applicable)

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Kate H. Murashige